

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vivek Vasudeva)	
)	
Application No.: 10/608,686)	Group Art Unit: 2157
)	
Filed: June 27, 2003)	Examiner: ETIENNE,ARIO
)	
Title: SYSTEM AND METHOD TO MONITOR)	
PERFORMANCE OF DIFFERENT)	
DOMAINS ASSOCIATED WITH A)	
COMPUTER SYSTEM OR NETWORK)	
)	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT UNDER RULE 142

In response to the Election/Restriction Requirement dated as mailed April 12, 2007, Applicant provisionally elects Group I (claims 1-43) with traverse.

The present application contains claims 1-121. Claim 1-121 were subject to a Restriction Requirement under 35 U.S.C. §121:

I. Claims 1-43, asserted in the Restriction Requirement as drawn to the details of a probe for monitoring and collecting performance data, classified in class 709, subclass 202.

II. Claims 44-64, asserted in the Restriction Requirement as drawn to a system to monitor performance with a probe, base station, database, server interface, and allocation with tables and negotiators, classified in class 709, subclass 223.

III. Claims 65-106, asserted in the Restriction Requirement as drawn to a monitoring and correlating data from different domains, with probes each registered and controlled through a browser with inactivity of self destructing, classified in class 709, subclass 208.

IV. Claims 107-11, asserted in the restriction requirement as accessing a probe and setting and updating parameters, classified in class 709, subclass 220.

V. Claims 112-121, asserted in the restriction requirement as drawn to a method and computer readable medium for collecting, correlating, and reporting to a base station performance data, classified in class 709, subclass 224.

Applicant respectfully traverses the Restriction Requirement in that at least two of the groups of claims are drawn to the same invention. Applicant respectfully submits that Group I (claim 1-43) and Group II (claims 44-64) both recite a method to monitor performance and include substantially the same features. For example, independent claim 44 recites substantially the same features found in independent claim 1 and dependent claims 24 and 28 which depend either directly or indirectly from independent claim 1 in Group I. Additionally, claim 2 recites similar features to claim 45; claim 6 recites similar features to claim 46; claim 7 recites similar features to claim 47; claim 8 recites similar features to claim 48; and claim 9 recites similar features to claim 49 to name a few of the several corresponding claims between Group I and Group II. Accordingly, Applicant respectfully submits that Group I and Group II are not distinct and the search required would not be substantially different and any additional time to search both Group I and II would be deminimous. Accordingly, reconsideration and withdrawal of the Restriction Requirement as to Group I (claims 1-43) and Group II (claims 44-64) is respectfully requested.

In the even the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number below. Action on the merits is awaited.

Respectfully submitted,

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(Applicant)

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